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1 **HOUSE BILL NO. 361**

2 Offered January 14, 2026

3 Prefiled January 12, 2026

4 *A BILL to amend and reenact § 53.1-202.2 of the Code of Virginia, relating to earned sentence credits;*  
5 *incarceration while awaiting trial or pending an appeal.*

6 Patron—Seibold

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 53.1-202.2 of the Code of Virginia is amended and reenacted as follows:**10 **§ 53.1-202.2. Eligibility for earned sentence credits.**11 A. Every person who is convicted of a felony offense committed on or after January 1, 1995, and who is  
12 sentenced to serve a term of incarceration in a state or local correctional facility shall be eligible to earn  
13 sentence credits in the manner prescribed by this article. Such eligibility shall commence upon the person's  
14 incarceration in any correctional facility following entry of a final order of conviction by the committing  
15 court and shall include any period of time actually spent in any state or local correctional facility, state  
16 hospital, or juvenile detention facility for such offense deducted from such person's term of incarceration or  
17 detention pursuant to § 53.1-187. All time actually spent by a person in confinement or detention shall be  
18 used in calculating such person's earned sentence credits. As used in this chapter, "sentence credit" and  
19 "earned sentence credit" mean deductions from a person's term of confinement earned through adherence to  
20 rules prescribed pursuant to § 53.1-25, through program participation as required by §§ 53.1-32.1 and  
21 53.1-202.3, and by meeting such other requirements as may be established by law or regulation. One earned  
22 sentence credit shall equal a deduction of one day from a person's term of incarceration.23 B. A juvenile convicted as an adult and sentenced as a serious juvenile offender under clause (i) of  
24 subdivision A 1 of § 16.1-272 shall be eligible to earn sentence credits for the portion of the sentence served  
25 with the Department of Juvenile Justice in the manner prescribed by this article. Consideration for earned  
26 sentence credits shall require adherence to the facility's rules and the juvenile's progress toward treatment  
27 goals and objectives while sentenced as a serious juvenile offender under § 16.1-285.1.28 **2. That the provisions of § 53.1-202.2 of the Code of Virginia, as amended by this act, shall apply**  
29 **retroactively to any person who is confined in any correctional facility on July 1, 2026. If it is**  
30 **determined that, upon retroactive application of the provisions of § 53.1-202.2 of the Code of Virginia,**  
31 **as amended by this act, the newly determined release date of any such person was prior to the effective**  
32 **date of this act, the person shall be released upon approval of an appropriate release plan and within**  
33 **60 days of such determination unless otherwise mandated by court order; however, no person shall**  
34 **have a claim for wrongful incarceration pursuant to § 8.01-195.11 of the Code of Virginia on the basis**  
35 **of such retroactive application. If a person is released prior to completion of any reentry programs**  
36 **deemed necessary by the Department of Corrections on the person's most recent annual review or**  
37 **prior to completion of any programs mandated by court order, the person shall be required to**  
38 **complete such programs under probation, provided probation is mandated by the court and current**  
39 **community resources are sufficient to facilitate completion of the aforementioned programs.**

INTRODUCED

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